REMARKS

Claims 1-9 are now pending in this application, with claim 1 being the only independent claim. Claims 1-9 have been amended. The amendments to claims 1-9 are merely cosmetic or clarifying in nature. No new matter has been added. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 1-7 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,276,342 ("*Sinz*") in view of U.S. Patent No. 6,553,973 ("*Coha*"). Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Sinz* in view of *Coha*, and further in view of U.S. Patent No. 5,797,377 ("*Fischerkeller*"). For the following reasons, reconsideration and withdrawal of these rejections are respectfully requested.

The claimed invention is directed to a fuel system having a plurality of surge chambers, where a suction jet pump is arranged at a designated height in each respective surge chamber. Each of the suction jet pumps feed fuel from one surge chamber into the opposing surge chamber. As a result, when the fuel tank is virtually empty, the surge chambers distribute fuel and prevent the surge chambers from completely draining (see Abstract).

Independent claim 1 now recites "a plurality of feed units arranged in the fuel tank, each of said plural feed units having a surge chamber for collecting fuel and at least one suction jet pump for filling the surge chamber of said each of said plural feed units"; and "wherein a suction side of said at least one suction jet pump for filling a first surge chamber of said plural surge chambers is arranged in a second surge chamber of said plural surge chambers". That is, independent claim 1 defines a pair of chambers in which each suction jet fills the opposing chamber from which it is arranged. In this manner, a fuel-pumping arrangement is achieved that

balances the fuel distributed between the two chambers. The combination of the cited art fails to achieve such a configuration.

The Examiner has conceded that *Sinz* fails to teach or suggest "at least one suction jet pump for filling a first surge chamber of said plural surge chambers is arranged in a second surge chamber of said plural surge chambers" as now recited in independent claim 1, and cites *Coha* for this feature. Applicants, however, respectfully disagree that the combination of *Sinz* and *Coha* achieves the fuel pump of independent claim 1.

Coha (FIG. 1) discloses an arrangement in which one bypass pump (70) provides fuel directly to the fuel regulator (62). *Coha* (col. 3, lines 40-42; FIG. 1) teaches that "[t]he fuel tank 12 includes a first fuel line 72 connecting the by-pass fuel jet pump 68 to the fuel filter 32 of the fuel tank cover and fuel filter assembly 10 and may include a second fuel filter line 74 connecting the by-pass fuel jet pump 68 to the high-pressure fuel jet pump 70". *Coha* thus teaches a fuel tank in which only one by-pass fuel jet pump (68) provides fuel to the opposing chamber. There is no connection to provide fuel from the fuel jet pump (70) to the other by-pass fuel jet pump (68). *Coha* thus fails to teach or suggest the specific arrangement disclosed and claimed in independent claim 1.

Sinz, on the other hand, shows an arrangement having two suction jet pumps (23, 24) (see FIG. 1). The jet pumps of *Sinz* do not pump fuel from one chamber to the other. Rather, the fuel pumps of *Sinz* are arranged to draw or pull fuel from either side of the saddle (4) (see FIG. 1). This scenario is the opposite of the arrangement in independent claim 1, in which fuel is pushed from one chamber by the suction pump that draws fuel from its own chamber and supplies or pushes the fuel to the opposing chamber. Consequently, the combination of *Coha* and *Sinz* fails to achieve the fuel pump of independent claim 1.

The Examiner has also acknowledged that the combination of *Sinz* and *Coha* fails to teach or suggest "working fluid connections of each of the suction jet pumps are provided for connection to a return line which returns fuel from an internal combustion engine into the fuel tank", as recited in dependent claim 8, and cites *Fischerkeller* for this feature. Applicants, however, respectfully disagree that the combination of *Sinz*, *Coha* and *Fischerkeller* achieves the fuel pump of now-amended independent claim 1. There is nothing in the cited prior art with respect to the claimed pair of chambers in which each suction jet fills the opposing chamber from which it is arranged. The combination of *Sinz*, *Coha* and *Fischerkeller* thus fails to teach or suggest applicants' claimed fuel supply system. Applicants accordingly assert that independent claim 1 is therefore patentably distinct over the combination of *Sinz*, *Coha* and *Fischerkeller*.

In view of the foregoing, reconsideration and withdrawal of all the rejections under 35 U.S.C. §103(a) are in order, and a notice to that effect is requested.

In view of the patentability of independent claim 1, dependent claims 2-9 are also patentable over the prior art for the reasons set forth above, as well as for the additional recitations contained therein.

For example, independent claim 2 recites "wherein each said at least one suction jet pump feeds fuel from the one of the surge chambers in which said at least one suction jet pump is arranged into another one of said surge chambers". The combination of the cited art also fails to teach or suggest this limitation.

The fuel supply system of *Sinz* does not always ensure that the fuel of all respective baffles 9, 10 are filled in a reliable manner. Consequently, there is the constant danger in the fuel system of *Sinz* that one of the baffles 9, 10 will become empty of fuel. If the fuel runs out, damage may be caused to the fuel pumps 11-14 that are arranged at each baffle 9, 10. The fuel tank encompassed

by dependent claim 2, however, advantageously avoids the problem of emptying the respective baffles by providing the pair of chambers and by providing the claimed arrangement of jet pumps. *Coha* also may not completely solve the problem of fuel completely running out of the chamber or the baffles because it is possible for the fuel reservoir (60) shown in FIG. 1 to also become empty. In view of the foregoing, dependent claim 2 is also patentable over the cited art.

Based on the foregoing remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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